

8424. Adulteration and misbranding of raspberry and strawberry jams. U. S. v. 31 Cases of Strawberry Jams and 15 Cases of Raspberry Jam. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14400. Sample Nos. 88149-F, 88150-F.)

LIBEL FILED: November 13, 1944, District of Maine.

ALLEGED SHIPMENT: Between the approximate dates of September 22 and October 5, 1944, by the J. G. Generalis Co., from Boston, Mass.

PRODUCT: 28 cases, each containing 48 jars, and 3 cases, each containing 24 jars, of strawberry jam; and 14 cases, each containing 24 jars, and 1 case containing 48 jars, of raspberry jam at Portland, Maine.

LABEL, IN PART: "Victory V Seal Strawberry Jam [or "Raspberry Jam"]."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), products deficient in fruit, insufficiently concentrated, and containing added water and phosphoric acid or acid phosphate, and artificial color and flavor, had been substituted in whole or in part for strawberry jam and raspberry jam as defined by the regulations; and, Section 402 (b) (4), artificial color and flavor had been added to or mixed or packed with the products so as to make them appear better or of greater value than they were.

Misbranding, Section 403 (g) (1), the products failed to conform to the definitions and standards of identity prescribed by the regulations for strawberry jam and raspberry jam since the jams were made from mixtures composed of less than 45 parts by weight of the fruit ingredient to each 55 parts by weight of the saccharine ingredient; they were not concentrated to the point where their soluble solids content amounted to at least 68 percent; and they contained phosphoric acid or acid phosphate and artificial color and flavor.

DISPOSITION: On February 2, 1945, judgment of condemnation and forfeiture was entered. On March 3, 1945, the court ordered the products released under bond to the claimant, J. G. Generalis, trading as the J. G. Generalis Co., conditioned that the jams be relabeled under the supervision of the Food and Drug Administration.

MISCELLANEOUS FRUIT PRODUCTS

8425. Action to enjoin and restrain the interstate shipment of adulterated grape pulp and products made from adulterated grape pulp. U. S. v. George W. Haxton & Son, Inc., et al. Consent decree granting permanent injunction against shipment in interstate commerce of all unfit portions of the product, but permitting the shipment of any fit portions. (Inj. No. 48.)

COMPLAINT FILED: February 1, 1943, Western District of New York, against George W. Haxton & Son, Inc., Oakfield, N. Y., and G. Sherwin Haxton, president, E. A. Thornton, vice-president, W. R. Hall, secretary, and H. W. Ruhlman, treasurer, of George W. Haxton & Son, Inc.; the Morton Cold Storage Co., Inc., Morton, N. Y.; the Sodus Cold Storage Co., Sodus, N. Y.; the Williamson Storage and Ice Co., Inc., Williamson, N. Y.; the Middleport Cold Storage Co., Inc., Middleport, N. Y.; the Buffalo Cold Storage Co., Buffalo, N. Y.; the Ontario Storage Corp., Ontario, N. Y.; the W. M. Storage Corp., Wallington, N. Y.; and the J. Hungerford Smith Co., Rochester, N. Y.

NATURE OF CHARGE: That on September 24, 1942, and prior thereto, and continuing thereafter throughout the grape season of 1942, and ending prior to the date of filing the complaint, George W. Haxton & Son, Inc., had been engaged in manufacturing and shipping in interstate commerce grape pulp made from grapes that were in part moldy, decomposed, and infested with maggots; that practically all samples of the grape pulp were found to be contaminated with maggots, insect fragments, and insects; and that the grape pulp was adulterated in violation of Section 402 (a) (3) since it consisted in whole or in part of a filthy, putrid, and decomposed substance. The complaint further charged that quantities of the grape pulp were stored with the above-named storage companies for shipment in interstate commerce, and that the defendant J. Hungerford Smith Co., a manufacturer of grape products, had received a quantity of the grape pulp from one of the storage companies for use in the manufacture of sirups and other articles of food and the subsequent shipment thereof in interstate commerce.

PRAYER OF COMPLAINT: That an injunction issue restraining the defendants from shipping the adulterated grape pulp in interstate commerce and also restraining the J. Hungerford Smith Co. from shipping in interstate commerce any food product manufactured from such grape pulp.

DISPOSITION: February 1, 1943. The defendants were ordered to show cause why a preliminary injunction should not be issued, pending the trial and the

determination of the suit, and the court ordered that the defendants be enjoined from shipping any of the grape pulp in interstate commerce pending such determination. On June 24, 1943, the defendants having consented to the entry of a decree, judgment was entered permitting the return shipment to George W. Haxton & Son, Inc., of the various lots of the product held by the storage companies and the J. Hungerford Smith Co., and dismissing the action with respect to all defendants, with the exception of George W. Haxton & Son, Inc., and the officers of that corporation. The decree provided further that George W. Haxton & Son, Inc., and its officers, be permitted to ship in interstate commerce a portion of the product which was not adulterated, but the decree permanently enjoined them from shipping in interstate commerce the remainder of the product.

8426. Adulteration of grape pomace. U. S. v. 110 Sacks of Grape Pomace. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 15069. Sample No. 92968-F.)

LIBEL FILED: January 18, 1945, District of Maryland.

ALLEGED SHIPMENT: On or about October 15, 1942, by Widmer's Wine Cellars, Inc., from Naples, N. Y.

PRODUCT: 110 39-pound sacks of grape pomace at Baltimore, Md.

LABEL, IN PART: (Tags) "S. J. Van Lill Co Baltimore Md."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetles, larvae, and insect fragments.

DISPOSITION: On June 7, 1945, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed. On June 8, 1945, an amendment to the decree was entered, providing for the delivery of the product to a public institution, for use as animal feed or fertilizer.

8427. Adulteration of guava paste. U. S. v. 12 Cartons of Guava Paste. Default decree of condemnation and destruction. (F. D. C. No. 14427. Sample No. 82865-F.)

LIBEL FILED: November 14, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about September 20, 1943, by Charles R. Allen, Charleston, S. C.

PRODUCT: 12 cartons, each containing 4 10-pound slabs, of Cuban guava paste. Examination showed that the product contained rodent hair fragments and insect fragments.

LABEL, IN PART: "Slabs Cuban Guava Paste Packed By: Hijos De Pio Ferros, Enc. Pinar Del Rio Cuba."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance.

DISPOSITION: December 14, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8428. Adulteration of glace fruit and assorted fruits. U. S. v. 990 Cartons of Glace Fruit and 634 Cartons of Assorted Fruits. Default decree of condemnation and destruction. (F. D. C. No. 14187. Sample Nos. 73293-F, 73294-F, 73296-F, 73297-F.)

LIBEL FILED: November 3, 1944; amended December 9, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about August 21, 29, and 31, 1944, by Golden Brand Nut Products, Inc., from New York, N. Y.

PRODUCT: 636 2-pound cartons and 354 1-pound cartons of glace fruit, and 400 3-pound cartons and 234 2-pound cartons of assorted fruits at Oakland, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of beetles and insect excreta.

DISPOSITION: February 13, 1945. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

8429. Adulteration of apple pomace. U. S. v. 835 Sacks of Apple Pomace. Default decree of condemnation. Product ordered delivered to a local hospital. (F. D. C. No. 15070. Sample Nos. 92948-F, 92965-F to 92967-F, incl.)

LIBEL FILED: January 18, 1945, District of Maryland.

ALLEGED SHIPMENT: On or about October 13 and 14, 1943, by Barlow Bros., J. R. Kelly, and the Rosenberg Bros. Co., from Sebastopol, Calif.